



Senate

General Assembly

File No. 206

February Session, 2010

Substitute Senate Bill No. 392

Senate, March 30, 2010

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT ADJUSTING THE MINIMUM PROFESSIONAL LIABILITY
INSURANCE CARRIED BY HEALTH CARE PROVIDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 20-28b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (a) Each person licensed to practice chiropractic under the
5 provisions of section 20-27 who provides direct patient care services
6 shall maintain professional liability insurance or other indemnity
7 against liability for professional malpractice. The amount of insurance
8 which each such person shall carry as insurance or indemnity against
9 claims for injury or death for professional malpractice shall not be less
10 than [five hundred thousand] one million dollars for one person, per
11 occurrence, with an aggregate of not less than [one million five
12 hundred thousand] three million dollars.

13 Sec. 2. Subsection (a) of section 20-11b of the general statutes is

14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2010*):

16 (a) Except as provided in subsection (c) of this section, each person
17 licensed to practice medicine and surgery under the provisions of
18 section 20-13 who provides direct patient care services shall maintain
19 professional liability insurance or other indemnity against liability for
20 professional malpractice. The amount of insurance which each such
21 person shall carry as insurance or indemnity against claims for injury
22 or death for professional malpractice shall not be less than [five
23 hundred thousand] one million dollars for one person, per occurrence,
24 with an aggregate of not less than [one million five hundred thousand]
25 three million dollars.

26 Sec. 3. Subsection (a) of section 20-39a of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2010*):

29 (a) Each person licensed to practice natureopathy under the
30 provisions of section 20-37 who provides direct patient care services
31 shall maintain professional liability insurance or other indemnity
32 against liability for professional malpractice. The amount of insurance
33 which each such person shall carry as insurance or indemnity against
34 claims for injury or death for professional malpractice shall not be less
35 than [five hundred thousand] one million dollars for one person, per
36 occurrence, with an aggregate of not less than [one million five
37 hundred thousand] three million dollars.

38 Sec. 4. Subsection (a) of section 20-58a of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective*
40 *October 1, 2010*):

41 (a) Each person licensed to practice podiatric medicine under the
42 provisions of section 20-54 or 20-57 who provides direct patient care
43 services shall maintain professional liability insurance or other
44 indemnity against liability for professional malpractice. The amount of
45 insurance which each such person shall carry as insurance or

46 indemnity against claims for injury or death for professional
47 malpractice shall not be less than [five hundred thousand] one million
48 dollars for one person, per occurrence, with an aggregate of not less
49 than [one million five hundred thousand] three million dollars.

50 Sec. 5. Subsection (a) of section 20-73d of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective*
52 *October 1, 2010*):

53 (a) Each person licensed to practice physical therapy under the
54 provisions of this chapter who provides direct patient care services
55 shall maintain professional liability insurance or other indemnity
56 against liability for professional malpractice. The amount of insurance
57 which each such person shall carry as insurance or indemnity against
58 claims for injury or death for professional malpractice shall not be less
59 than [five hundred thousand] one million dollars for one person, per
60 occurrence, with an aggregate of not less than [one million five
61 hundred thousand] three million dollars.

62 Sec. 6. Subdivision (3) of subsection (a) of section 20-74mm of the
63 2010 supplement to the general statutes is repealed and the following
64 is substituted in lieu thereof (*Effective October 1, 2010*):

65 (3) "Radiologist assistant" means a radiologic technologist who is
66 licensed pursuant to this chapter and who: (A) Has graduated from a
67 radiologist assistant education program recognized by the American
68 Registry of Radiologic Technologists; (B) has passed the radiologist
69 assistant examination offered by the American Registry of Radiologic
70 Technologists; (C) maintains a current license in good standing as a
71 radiologic technologist in Connecticut; (D) holds current certification
72 in advanced cardiac life support; (E) maintains current certification
73 with the American Registry of Radiologic Technologists as a
74 radiographer; (F) maintains current certification with the American
75 Registry of Radiologic Technologists as a radiologist assistant; and (G)
76 maintains professional liability insurance or other indemnity against
77 liability for professional malpractice in an amount that shall not be less
78 than [five hundred thousand] one million dollars for one person, per

79 occurrence, with an aggregate of not less than [one million five
80 hundred thousand] three million dollars;

81 Sec. 7. Section 20-74rr of the 2010 supplement to the general statutes
82 is repealed and the following is substituted in lieu thereof (*Effective July*
83 *1, 2011*):

84 Each person licensed to practice as a radiologist assistant who
85 provides direct patient care services shall maintain professional
86 liability insurance or other indemnity against liability for professional
87 malpractice in an amount that shall not be less than [five hundred
88 thousand] one million dollars for one person, per occurrence, with an
89 aggregate of not less than [one million five hundred thousand] three
90 million dollars.

91 Sec. 8. Subsection (a) of section 20-94c of the general statutes is
92 repealed and the following is substituted in lieu thereof (*Effective*
93 *October 1, 2010*):

94 (a) Each person licensed as an advanced practice registered nurse
95 under the provisions of section 20-94a who provides direct patient care
96 services shall maintain professional liability insurance or other
97 indemnity against liability for professional malpractice. The amount of
98 insurance that each such person shall carry as insurance or indemnity
99 against claims for injury or death for professional malpractice shall not
100 be less than [five hundred thousand] one million dollars for one
101 person, per occurrence, with an aggregate of not less than [one million
102 five hundred thousand] three million dollars. The provisions of this
103 subsection shall not apply to any advanced practice registered nurse
104 licensed pursuant to section 20-94a and maintaining current
105 certification from the American Association of Nurse Anesthetists who
106 provides such services under the direction of a licensed physician.

107 Sec. 9. Subsection (a) of section 20-126d of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2010*):

110 (a) Except as provided in subsection (c) of this section, each person
111 licensed to practice dentistry under the provisions of this chapter who
112 provides direct patient care services shall maintain professional
113 liability insurance or other indemnity against liability for professional
114 malpractice. The amount of insurance which each such person shall
115 carry as insurance or indemnity against claims for injury or death for
116 professional malpractice shall be not less than [five hundred thousand]
117 one million dollars for one person, per occurrence, with an aggregate
118 of not less than [one million five hundred thousand] three million
119 dollars.

120 Sec. 10. Subsection (a) of section 20-126x of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2010*):

123 (a) Each person licensed to practice dental hygiene under the
124 provisions of this chapter who provides direct patient care services
125 shall maintain professional liability insurance or other indemnity
126 against liability for professional malpractice. The amount of insurance
127 that each such person shall carry as insurance or indemnity against
128 claims for injury or death for professional malpractice shall not be less
129 than [five hundred thousand] one million dollars for one person, per
130 occurrence, with an aggregate of not less than [one million five
131 hundred thousand] three million dollars.

132 Sec. 11. Subsection (a) of section 20-133b of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2010*):

135 (a) Each person licensed to practice optometry under the provisions
136 of this chapter who provides direct patient care services shall maintain
137 professional liability insurance or other indemnity against liability for
138 professional malpractice. The amount of insurance that each such
139 person shall carry as insurance or indemnity against claims for injury
140 or death for professional malpractice shall not be less than [five
141 hundred thousand] one million dollars for one person, per occurrence,
142 with an aggregate of not less than [one million five hundred thousand]

143 three million dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	20-28b(a)
Sec. 2	<i>October 1, 2010</i>	20-11b(a)
Sec. 3	<i>October 1, 2010</i>	20-39a(a)
Sec. 4	<i>October 1, 2010</i>	20-58a(a)
Sec. 5	<i>October 1, 2010</i>	20-73d(a)
Sec. 6	<i>October 1, 2010</i>	20-74mm(a)(3)
Sec. 7	<i>July 1, 2011</i>	20-74rr
Sec. 8	<i>October 1, 2010</i>	20-94c(a)
Sec. 9	<i>October 1, 2010</i>	20-126d(a)
Sec. 10	<i>October 1, 2010</i>	20-126x(a)
Sec. 11	<i>October 1, 2010</i>	20-133b(a)

INS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which requires certain health care professionals to increase their minimum malpractice liability coverage, does not result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 392*****AN ACT ADJUSTING THE MINIMUM PROFESSIONAL LIABILITY INSURANCE CARRIED BY HEALTH CARE PROVIDERS.*****SUMMARY:**

By law, licensed physicians and surgeons, osteopaths, chiropractors, natureopaths, podiatrists, physical therapists, radiologist assistants, advanced practice registered nurses, dentists, dental hygienists, and optometrists who provide direct patient care services must have professional liability insurance or other indemnity against professional malpractice liability. This bill increases the required minimum coverage amounts from (1) \$500,000 to \$1 million per incident per individual and (2) \$1.5 million to \$3 million in the aggregate.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 14 Nay 5 (03/16/2010)